



FILED & JUDGMENT ENTERED
Steven T. Salata

January 9 2019

Clerk, U.S. Bankruptcy Court
Western District of North Carolina

J. Craig Whitley
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

In Re:

JUAN JOSE CORCHADO
SSN: xxx xx 5723

Case No. 17-40025
Chapter 7

Debtor(s).

ORDER AUTHORIZING TRUSTEE TO SETTLE CONTROVERSY

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of the United States Bankruptcy Court for the Western District of North Carolina, upon the Trustee's Motion for Authority to Settle Controversy; and it appearing to the Court that there has been adequate Notice and an Opportunity for a Hearing as that phrase is defined in the Bankruptcy Code and the Rules of Bankruptcy Procedure. From the Motion for Authority to Settle Controversy filed by the Attorney for the Trustee herein, as well as the entire record, the Court makes the following

FINDINGS OF FACT

1. That controversies exist in the subject case as follows:

The Trustee asserts that, under 11 U.S.C. § 547(b) (1)(B), the debtor's payments to Discover Bank totaling \$5,781.87 within 90 days of the filing of his petition was an avoidable preferential payment, and Discover Bank disputes that all funds paid by the debtor to Discover Bank within 90 days of the petition were avoidable based on new value given.

2. That a proposed settlement of said controversies has been negotiated as follows:

Without waiving any rights or claims and without any admission of liability, Discover Bank has agreed with the Trustee to settle the controversy by payment to the Trustee of \$3,400.00. The Trustee has received payment of the settlement funds and deposited the funds into his IOLTA attorney trust account pending entry of an order on this motion.

3. That the Trustee feels that the proposed settlement of said controversies as set forth above is in the best interest of the estate.

CONCLUSIONS OF LAW

The proposed settlement of the subject controversies is in the best interest of the estate and the Trustee should be authorized to settle said controversies as set forth in the Findings of Fact.

IT IS THEREFORE ORDERED that the Trustee be, and he hereby is, authorized to settle the subject controversies under the terms and conditions set forth in the Findings of Fact.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court